

Appl. No. 10/021,524
Reply to Office Action dated January 3, 2006

Docket No. 1232-4799

REMARKS

Reconsideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

Claim Status

Claims 1-2, 4-5, 11-12, and 14-23 are pending and rejected. Claims 1, 2, 4, 11, 12 and 14 are amended herein and claims 5, 15 and 18-23 are canceled without prejudice or disclaimer. Of the remaining claims, claims 1 and 11 are independent in form. No new matter has been introduced.

Claim Rejections

Claims 1-2, 4, 11-12, 14, 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,750,990 to Ohashi ("Ohashi") in view of U.S. Patent No. 6,792,161 to Imaizumi et al. ("Imaizumi"). Claims 5, 15, 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohashi in view of Imaizumi and further in view of U.S. Patent No. 6,336,082 to Nguyen et al. ("Nguyen").

Applicant respectfully disagrees with the claim characterization and the characterization of the teachings of the prior art used in the stated rejections. The rejections are thus respectfully traversed.

Independent Claims 5 and 15

Independent claims 5 and 15 are canceled without prejudice or disclaimer, as are claims 18-23. The rejections of these claims are accordingly rendered moot. Applicant respectfully requests that the respective rejections be withdrawn.

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Independent Claims 1 and 11

In rejecting claims 1 and 11, the Examiner has taken the position that Ohashi discloses the claimed original convey unit, image reading unit, and abnormality detection unit but that Ohashi "does not disclose expressly a control unit adapted to limit an original size in a main-scanning direction which is permitted to be read by said image reading unit in accordance with the position of the abnormality detected by said abnormality detection unit." The Examiner asserts that Imaizumi discloses such a control unit. The Examiner is of the further opinion that Ohashi and Imaizumi are combinable because "they are from the same field of endeavor," and "[a]t the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Imaizumi with Ohashi," the "motivation for doing so being to detect the problems in image shading, as taught by Imaizumi" and to achieve the invention as specified in claims 1 and 11. (See, Office Action pp. 2-3).

Applicant has herein amended independent claims 1 and 11 to further clarify the claimed invention and respectfully submit that the claimed invention as presented herein is patentable over the art of record.

Amended independent apparatus claim 1 is directed to an "image reading apparatus comprising: an original convey unit adapted to move an original in a sub-scanning direction; an image reading unit adapted to read the original while moving the original by using said original convey unit and output image data; an abnormality detection unit adapted to detect abnormal data output from said image reading unit before said image reading unit reads the original; and a control unit adapted to limit reading operation of an original having a predetermined size in a main-scanning direction by said image reading unit while moving the original by using said convey unit in accordance with the position of the abnormal data detected

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by said abnormality detection unit in the main scanning direction." Amended independent claim 11 bears similar recitation in a corresponding method claim.

In the present invention, using the image reading apparatus and corresponding method recited by independent claims 1 and 11, respectively, abnormal data is detected before an original is read, and the size in a main-scanning direction which is permitted to be read is limited in accordance with the position of the detected abnormal data. None of the cited prior art references disclose, teach, or suggest, taken individually or in combination, the subject matter recited by amended independent claims 1 and 11.

Review of Imaizumi reveals that what is disclosed is that image data are shifted and output so as to eliminate data of a foreign body. However, Imaizumi does not disclose or suggest at least the claimed feature of the present invention that the abnormal data are detected before reading the original and reading operation of an original having a predetermined size in a main-scanning direction is limited in accordance with the position of the abnormal data in the main scanning direction.

Therefore, the present invention as recited in amended independent claims 1 and 11, and consequently the claims depending therefrom, is neither taught or suggested by Imaizumi, individually or taken in combination with the other references of record, including Ohashi and/or Nguyen, and is thus neither anticipated by nor rendered obvious in view of, and thus patentably distinct over, the art of record, taken individually or in combination.

Dependent Claims

Applicant has traversed but has not specifically addressed the rejections of the dependent claims as Applicant respectfully submits that the independent claims, from which the dependent claims depend, are in condition for allowance as set forth above. Accordingly, the

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dependent claims also are believed to be in condition for allowance for at least similar reasons.

Applicant, however, reserves the right to address such rejections of the dependent claims in the future as necessary appropriate.

CONCLUSION

In view of the foregoing, the present invention as recited in the claims presented herein is believed patentably distinct over the art of record and Applicant respectfully requests that the stated rejections and objections be withdrawn. The application is believed to be hereby placed in condition for allowance, which action is respectfully requested.

If any outstanding issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.


AUTHORIZATION

Should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4799.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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